

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and remarks is respectfully requested.

Claims 1-7, 9 and 11 remain pending in the application.

Claims 1-7, 9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,844,697 to Omvik et al. The rejection is respectfully traversed.

The claimed invention is directed to a scanning device implementing a fixed mask on the shell to obstruct the light path of the image capturing module. The cover 431 further includes an opening (442 is Figures 3A and 3B) (claim 9). When the black calibration is conducted, the cover 431 along with the image capturing module 43 is conveyed to a masking position. The mask (slab 441) is therefore inserted into the image capturing module 43 via the opening 442 (see page 8, lines 14-18 of the specification and Figure 3B). In this case, the light path is obstructed to conduct the black calibration.

However, the U.S. Patent 5,844,697 to Omvik et al. is directed to a flatbed scanner combined dust protection and dark calibration slide. In Omvik et al., the illumination system 222 is outside the enclosure 1710 which contains optical system 224 (focusing lens 228) and the sensing system 226 (array 234) inside. When the enclosure is moved the left side, the stationary dark slide is able to obstruct the light path from the illumination system 222 (see Figures 17A and 17B). In this position, particularly, the stationary dark slide 1714 completely covers the opening 1712 in sealed enclosure 1710, thereby excluding dust and light (see column 15, lines 6-8 and in Figures 17A and 17B). The stationary dark slide 1714 is NOT inserted into the opening 1712 of the sealed enclosure 1710, as claimed in the present invention. The Examiner consider this difference stating that "Omvik et al. do not specifically disclose the masking module being inserted into the image capturing module through an opening" (recited at Page 3, lines 3-5).

It is therefore explicit that the arrangement and the way of the present invention to conducting black calibration is not shown or taught by the applied prior art, especially by intruding the fixed masking module between the light path and the image capturing device.

For the reasons stated above, Applicant respectfully submit that independent claim 1 along with the dependent claims are distinguishable over the applied art, and are not disclosed or taught or suggested by the applied art. Accordingly, withdrawal of the rejections of the pending claims is respectfully requested. Favorable consideration and prompt allowance are earnestly solicited and appreciated.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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